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July 15, 2022

Via U.S. Mail and Email at
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Michael K. Fretwell
Laubscher & Laubscher
160 Spa Road, Suite 2B
Annapolis, MD 21403

Re: U.S. – **A24 Films LLC**
App. Ser. No. 97/379,480 for the mark **AAA24**
Your File No. 28599

Dear Mr. Fretwell:

We write as trademark litigation counsel for A24 Films LLC in response to your May 24, 2022 letter to Catherine M. C. Farrelly expressing the concerns of your client, American Automobile Association (“AAA”), over A24 Film’s above-referenced trademark application for AAA24.

As an initial matter, our client respects the trademark rights of others, including those of your client, has its own interest in protecting its own valuable brand identity, and shares your client’s desire to avoid any confusion between the services of the two companies. However, after having carefully reviewed this matter, we cannot agree that A24 Films’ use and registration of its entirely different and distinctive AAA24 mark in the manner contemplated infringes your client’s rights in any way, for the reasons set forth below.

A24 is a well-known entertainment company that specializes in film and television production and film distribution. The company has used its highly distinctive A24 mark in connection with its entertainment services since 2013 and is the owner of multiple federal registrations for the mark and its distinctive stylized design.¹ As a result of our client’s nearly

¹ See e.g., A24 (Reg. No. 6280336); A24 (Stylized) (Reg. No. 6280337); A24 (Reg. No. 5443650); A24 (Reg. No. 4952902); A24 (Stylized) (Reg. No. 5443651); A24 (Reg. No. 4952904); A24 (Reg. No. 4596069), and A24 (Stylized) (Reg. No. 4596070).

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decade-long use of its mark and extensive promotion of its brand, A24 is immediately identified with our client by its large base of loyal fans and followers.

In connection with its entertainment services, A24 offers limited edition merchandise such as apparel and collectibles through its online shop. AAA24 (which stands for “All Access” A24) is a new membership offering for A24 customers and fans. Membership grants access to a suite of perks including a zine subscription, birthday gift, Instagram Close Friends access, exclusive product drops, and discounts, all specifically designed to reinforce and enhance A24’s television and film offerings and related services and its customers’ user experience. The term “all access” has a specific meaning in the entertainment industry connoting the concept of providing special, extra “VIP” offerings not available to non-members.

Our client’s presentation of its AAA24 “all access” mark and services make it explicitly clear that the “AA” designation that precedes its A24 mark stands for “All Access.” For example, the language “A24 All Access” appears directly above the mark on our client’s website together with the prominent banner “Become a Card-Carrying Member of AAA24, Your **All-Access** Pass to Everything A24” (emphasis provided). See <https://aaa24.a24films.com/> “A24. In this way, it is made explicitly clear that the AAA24 mark is comprised of the all-access “AA” modifier preceding our client’s longstanding A24 mark. We also note that the logo design in which the AAA24 mark appears could hardly differ more from the American Automotive Association’s equally distinctive but wholly distinguishable “AAA” design mark.

In addition, we note that, notwithstanding the American Automotive Association’s admittedly longstanding rights in its AAA mark for its specialized automotive-focused services, even a cursory review of the federal register reveals the pervasive coexistence and third-party usage of “AAA” marks for a wide variety of goods and services. Accordingly, we question whether your client’s use and registrations establish a sufficient scope of protection to foreclose the use of these letters – an abbreviation for completely different underlying terms -- for completely different services in a wholly unrelated industry.

Notwithstanding the foregoing, we would like to offer your client certain assurances to address its concerns. First, our client’s AAA24 mark will be used only in connection with its established A24 brand and its entertainment-focused goods and services offered under that brand, and our client has no intention of expanding use of this mark into the industry areas of your client. And we can offer the further assurances that the appearance of our client’s AAA24 mark (see e.g., <https://aaa24.a24films.com/>) will always create an entirely different commercial impression from that employed by your client.

Finally, our client is prepared to amend the current ID of its pending application to more clearly delineate the entertainment-related nature of its services to read as follows: “Providing membership club services **pertaining to the production and distribution of motion picture films, movies and television programs** for early or exclusive access to discount products, receipt of exclusive newsletters, access to special live entertainment events, exclusive social media access, birthday gifts, zines and direct

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to customer products, **all of the foregoing relating to the production and distribution of motion picture films, movies or television programs**" (proposed additions bolded.)

These additions clarify and explicitly limit the use of the mark to the industry in which our client operates.

We trust that these assurances will address your client's concerns. Of course, if you have any questions or would like to discuss, do not hesitate to contact me.

Respectfully,

Davis Wright Tremain LLP



Alexandra Nicholson

cc: Karen Segall
Jaime Winkelman